

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

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CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

v.

CASE NO.: 1:20-CV-03746 (LJL)

STEVEN J. BROOKS, et al.,

Defendants.

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**SPECIALLY APPEARING DEFENDANTS' NOTICE OF MOTION  
AND MOTION TO DISMISS**

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PLEASE TAKE NOTICE THAT, upon the memorandum of law in support dated July 17, 2020, Specially Appearing Defendants Steven J. Brooks, NianticVista Energy, LLC, Convergen Energy WI, LLC, Gregory Merle, Theodore J. Hansen, Brian R. Mikkelsen, and Riverview Energy Corporation ("Defendants") will move this Court, the Honorable Lewis J. Liman, presiding, at the federal courthouse located at 500 Pearl Street, New York, NY 10007, or through a telephonic or Zoom hearing to reflect the current worldwide pandemic and the Court's practices, on a date and in a manner to be set by the Court, for an Order: (1) dismissing this action or compelling arbitration pursuant to 9 U.S.C. §§ 3-4; or alternatively (2) transferring this action under 28 U.S.C. § 1404(a) to the Eastern or Western Districts of Wisconsin; (3) dismissing all claims with prejudice under Federal Rules of Civil Procedure 12(b)(2), (3), and (6); or (4) requiring Plaintiffs to provide a more definite statement under Federal Rule of Civil Procedure 12(e).

This motion is supported by the accompanying memorandum and exhibits, and the accompanying Declaration of Gregory Merle.

Dated this 17th day of July, 2020

By: s/ Ryan M. Billings

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